AMENDMENTS TO THE CLAIMS

1. (currently amended) A client-based method for managing transfer of a file having data from a networked device to a client system having a network connection, comprising the steps of:

(a) determining a type of the network connection;

(b) automatically retrieving a threshold noise level corresponding to the network connection type;

~~(a)~~ (c) ~~monitoring~~ determining a utilization rate of the network connection;

~~(b)~~ (d) determining whether ~~to receive data based on~~ the utilization rate of the network connection is below the threshold noise level;

~~(c)~~ (e) if ~~step (b) determines to receive data~~ the utilization rate is below the threshold level, receiving data from the networked device using ~~the~~ a method comprising:

(i) determining whether to adjust an amount of data received in a current iteration;

(ii) if step (i) determines to adjust the amount of data received, adjusting the amount of data to receive according to the type of network connection;

(iii) retrieving an increased amount of data; and

~~(d)~~ (f) if ~~step (b) determines not to receive data~~ the utilization rate is above the threshold level, pausing a predetermined amount of time before proceeding; and

~~(e)~~ (g) repeating steps ~~(a)-(d)~~ (c)-(f) until all data in the file is received.

2. (currently amended) The method of claims 1, further comprising the step of determining a speed of the network connection, wherein the type of network connection is determined based on the speed of the network connection.

3. (original) The method of claim 1, further comprising the step of defining a size of a receiving buffer according to the type of network connection.

4. (currently amended) The method of claim1, wherein the step of ~~monitoring~~ determining the utilization rate of the network connection includes the step of determining how much data has been transferred through the network connection per unit of time.

5. (canceled)

6. (currently amended) The method of claim ~~5~~ 1, wherein the threshold noise ~~parameter~~ level may ~~by~~ be statically, dynamically, or used configurable.

7. (currently amended) The method of claim 1, wherein the step of determining whether to adjust the amount of data received in the current iteration includes determining whether ~~the monitoring of the network connection in~~ a previous iteration resulted in data being received.

8. (currently amended) The method of claim ~~1~~ 7, wherein the step of adjusting the amount of data to receive according to the type of network connection includes adjusting a buffer parameter that determines how many times a receiving buffer is read in the current iteration.

9. (currently amended) The method of claim 8, wherein the step of adjusting a buffer parameter that determines how many times a receiving buffer is read in the current iteration includes incrementing the buffer parameter when ~~monitoring of the network connection in the~~ a previous iteration resulted in data being received.

10. (original) The method of claim 9, wherein the buffer is incremented until a predetermined maximum buffer value is achieved.

11. (currently amended) The method of claim 8, wherein the step of adjusting a buffer parameter that determines how many times a receiving buffer is read in the current iteration includes resetting the buffer parameter to a predetermined minimum value when the monitoring of the network connection in the previous iteration resulted in data not being received.

12. (currently amended) The method of claim 1, further comprising automatically retrieving a network sample rate parameter corresponding to the network connection type, wherein the step of pausing a predetermined amount of time before proceeding includes the step of pausing a predetermined amount of time determined by the ~~network connection type~~ network sample rate parameter.

13. (original) A system for managing the transfer of a file having data from a networked device to a client system, comprising:

means for determining a type of network connection of the client system;

means for defining a threshold parameter and a buffer parameter according to the type of network connection;

means for receiving an amount of data determined by the buffer parameter when the utilization of the network connection is below the threshold parameter and adjusting the buffer parameter according to the monitoring of the utilization of the network connection; and

means for suspending the receiving of data when utilization of the network connection is not below the threshold parameter and monitoring the utilization of the network connection.

14. (new) The method of claim 1 wherein the threshold noise level is automatically retrieved from a lookup table stored on the client system.